

7:30 P.M. Interviews with new appointees.

CITY OF LEOMINSTER

CITY COUNCIL

JUNE 12, 2006

HEARING BEFORE THE CITY COUNCIL, 6:30 P.M.

(Continued from May 8, 2006)

60-06 Susan M. Harding: Grant a Special Permit to use the existing building at 34 Mohawk Drive, to operate a wholesale auto sales facility in an Industrial zone and to allow for the storage of automobiles within a floodplain. (Legal Affairs)

HEARING BEFORE THE CITY COUNCIL, 6:45 P.M.

70-06 John Souza and Kate Griffin-Brooks, on behalf of the Leominster Planning Board: Amend Section 24.2.5 of the Leominster Zoning Ordinance entitled Mixed Use Development by 1.) adding after the first sentence in Section 24.2.5.1 "Wetlands, as determined by the Conservation Commission shall not be considered in the density calculations" 2.) adding a new Section 24.2.5.3 allowing a property included on a Master Plan for the purpose of Mixed Use to be only used once for density calculations and 3.) adding a new Section 24.2.5.4 stating any further amendments, changes or revisions on completed projects are governed by the Leominster Zoning Ordinance with notification to the Planning and Development Department. (Legal Affairs)

PUBLIC FORUM, 7:45 P.M.

REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.

ROLL CALL

COMMUNICATIONS

- C-130 Relative to the appropriation of \$100,000.00 to the Gallagher Building Capital Outlay Expense Account; same to be transferred from the Gallagher Building Revolving Fund. (Finance)
- C-131 Relative to the appropriation of \$30,000.00 to the Medicare Insurance Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-132 Relative to the appropriation of \$2,100.00 to the Cemetery Department Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account. (Finance)
- C-133 Relative to the appropriation of \$40,000.00 to the Highway Expense Account; same to be transferred from the Snow and Ice Expense Account. (Finance)
- C-134 Relative to the appropriation of \$125,000.00 to the Contributory Retirement Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-135 Relative to the appropriation of \$1,000,000.00 to the various General Fund accounts as listed; same to be transferred from the Massachusetts School Building Authority Reimbursement Grant Account. (Finance)

Assessor's Capital Outlay	\$210,000.00
Council on Aging Expenses	3,000.00
Building Capital Outlay	65,000.00
Public Works Expenses	5,000.00
Sidewalk Expenses	50,000.00
Election/Registration Expenses	1,200.00
Fire Capital Outlay	40,000.00
Mayor Expenses	4,950.00
Police Capital Outlay	32,350.00
Recreation Capital Outlay	122,500.00
Treasurer's Expenses	15,000.00
Veteran's Capital Outlay	50,000.00
School Dept. Capital Outlay	<u>401,000.00</u>

TOTAL:	\$1,000,000.00
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- C-136 Relative to the appropriation of \$4,000.00 to the Library Expense Account; same to be transferred from the Library Salary and Wages Account. (Finance)

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REGULAR MEETING OF THE CITY COUNCIL, continued

COMMUNICATIONS, continued

- C-137 Relative to the appropriation of \$87,670,000.00 to the Fiscal Year 2007 Budget; same to be raised by Fiscal Year 2007 Revenue. (Finance)

- C-138 Relative to the appropriation of \$2,600,000.00 to the FY 2007 Sewer Department Budget ; same to be raised by FY 2007 Sewer Department estimated receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (Finance)

- C-139 Relative to the appropriation of \$3,515,000.00 to the FY 2007 Water Department Budget; same to be raised by FY 2007 Water Department estimated receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (Finance)

- C-140 Relative to the appropriation of \$3,100,000.00 to the Stabilization Fund; same to be transferred from the Overlay Surplus Account. (Finance)

PETITIONS

- 83-06 National Grid and Verizon New England, Inc: Joslin Street: Install one jointly owned pole on Joslin Street beginning at a point approximately 210 feet east of the centerline of the intersection of Day Street and continuing approximately 42 feet in a westerly direction. (Public Service)

- 84-06 Orlando Pacheco, Town Administrator, Lancaster: Allow a sewer connection from the Town of Lancaster to the City of Leominster wastewater system servicing only the north side of Route 2, which currently encompasses the Johnny Appleseed Visitor's Center, Orchard Hills Athletic Club and Roll-on-America. (Public Service)

- 85-06 Sharon F. Leger, et al: Request to change our street from Parnes Court to Field Road, as a public way. (Public Service)

- 86-06 Peter A. CampoBasso, on behalf of Southgate Meadows, LLC: Layout as a public way, an approved way known as Research Drive as shown on a Definitive Subdivision Plan entitled "Industrial Park" as Road A. (Public Service)

- 87-06 Joseph Altman: Grant a Special Permit to use an existing building at 195 Hamilton Street, located in an industrial zone and shown on Assessor's Map 229 as Lot 3, for a consignment shop. (Legal Affairs)

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REGULAR MEETING OF THE CITY COUNCIL, continued**PETITIONS, continued**

- 88-06 Wayne Nickel: Remove the stop signs on Fourth Street at the intersection at Spring Street and place the stop signs on Spring Street at the intersection with Fourth Street. (Legal Affairs)
- 89-06 James Lanciani, Jr.: Adopt M.G.L. Chapter 41 Section 100G 1/4 which allows payment of reasonable expenses for funeral and burial of any police officers or firefighters killed in performance of duty, not to exceed \$5,000.00 (Legal Affairs)
- 90-06 Richard M. Marchand: Revise the current building code which allows the city or state to proceed with construction past the hours allowed for general contractors unless the construction is of an emergency nature. (Legal Affairs)
- 91-06 Richard M. Marchand: Request the Mayor authorize the City Solicitor to provide “boiler plate language” if not currently available, for our community to adopt legislation to require a public safety policy for business establishments throughout the community that attract or market young children to patronize their business, provide professional development voluntarily or legally if applicable, for their employees to help identify Level III Sex Offenders when entering their establishment.” (Legal Affairs & Public Safety)
- 92-06 Richard M. Marchand: Install the appropriate signage in close proximity to the intersection of River Street and Main Street facing Main Street to clearly indicate and emphasize “One Way Traffic – Do Not Enter – Wrong Way.” (Public Safety)
- 93-06 Richard M. Marchand: Make River Street from the intersection of Hamilton Street to Main Street a truck exclusion. (Public Safety)
- 94-06 Richard M. Marchand and Robert A. Salvatelli, on behalf of Russell M. Davis Jr.: Install traffic signals on the corner of Granite Street and West Street. (Public Safety)
- 95-06 Robert A. Salvatelli: Install traffic signals at the intersection of West Street and Pond Street. (Public Safety)

REGULAR MEETING OF THE CITY COUNCIL, continued**APPOINTMENTS**

Permanent Firefighter – Robert A. DeMarzio

Leominster Disability Commission – Thomas Yoder, Victoria Marrama – term to expire April 15, 2009.

Emergency Management Auxiliary Police Officer – Charlie Toro Williams – term to expire on April 15, 2007.

Election Officers – 2006-2007

Emergency Management Communications Unit – Philip A. Porter

RE-APPOINTMENT

Emergency Management Auxiliary Police Officer – Anthony Celona – term to expire April 15, 2007.

MATTERS BEFORE THE CITY COUNCIL**APPOINTMENTS**

Zoning Board of Appeals – Paul Romano, alternate member - term to expire April 15, 2007

Perspective Police Officer Candidates – A. Luke Hamburger, Kyle D. Mimnaugh, Barry M. Bouchard, David C. Wilson

Board of Assessor – Christopher Paquette – term to expire April 15, 2008. (appointment to take affect July 1, 2006 filling the unexpired term of Norman Melanson)

Trustees of Soldiers Memorials – Pelino Masciangioli – term to expire April 15, 2008.

Fire Chief – Ronald M. Pierce - effective May 1, 2006.

Deputy Fire Chief – Gary Ranno – effective April 5, 2006.

Fire Lieutenant - Christopher Cameron – effective April 5, 2006.

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MATTERS BEFORE THE CITY COUNCIL, continued**FINANCE**

- C-123 Relative to the appropriation of \$100,000.00 to the Fiscal Year 2007 Workers Compensation Loss Fund Account; \$35,000.00 to be transferred from the FY 2005 Workers Compensation Loss Fund Account, \$55,000.00 to be transferred from the FY 2003 Workers Compensation Loss Fund Account, \$2,000.00 to be transferred from the FY 2002 Workers Compensation Loss Fund Account and \$8,000.00 to be transferred from the FY 2001 Workers Compensation Loss Fund.
- C-124 Relative to the appropriation of \$10,000.00 to the Street Marking Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-125 Relative to the appropriation of \$5,000.00 to the Conservation Commission Salary and Wages Account; same to be transferred from the Wetland Fees Reserved for Appropriation Account.
- C-126 Relative to the appropriation of \$10,450.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-127 Relative to the appropriation of \$4,000.00 to the Sidewalk & Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-129 Relative to the appropriation of \$50,000.00 to the Veterans Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted on May 22, 2006 as an Emergency Preamble, another vote is required.)

PUBLIC SERVICE

- 76-06 Sharon F. Leger, et al: Accept Field Road as a public way.

LEGAL AFFAIRS

- C-128 Dean J. Mazzearella, Mayor: Accept a deed from Castleland Realty Trust for 2 parcels of land located on Willard Street.

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MATTERS BEFORE THE CITY COUNCIL, continued

LEGALS AFFAIRS, continued

- 73-06 David E. Rowlands: Amend Chapter 2, Article XVI – Planning Board, Section 2-65 of the Revised Ordinances, entitled “Establishment; appointment and terms of members” to change the composition, requirements, and length of term for Planning Board members.
- 77-06 Richard M. Marchand: Place “no parking” signs on Blossom Street beginning at the intersection of West Street and Blossom Street and extending for twenty-five feet in the direction heading towards Merriam Avenue.
- 78-06 Claire Freda: Allow 15 minute parking during the drop-off and pick-up times at Bright Beginnings opposite the business on Lancaster Street from Litchfield Street to Elm Hill Avenue.
- 79-06 John M. Dombrowski: Amend Section 21-22.4 (a) of the Revised Ordinances entitled “Sewer Connection Charges” so that all individual domestic units, including apartment units and condominium units, within the city will be charged one thousand dollars per unit for connection which will serve as a connection and inspection fee that is valid through the last day of the year in which the permit was issued and will not apply to in-law apartments or accessory structures.

WAYS & MEANS

- 80-06 Steve Morgan, President, Gamestop 1485: Grant second hand dealers license for the premises located at 100 Commercial Road.
- 81-06 Steve Morgan, President, Gamestop 3594: Grant second hand dealers license for the premises located at 26 Orchard Hill Park Drive.
- 82-06 Michael Sardellis: Renew the license for two pool tables at Chris’ Twins Café, 488 Lancaster Street.

MATTERS BEFORE THE CITY COUNCIL, continued**OLD BUSINESS**

2nd Reading Ordinance – Amend Chapter 21, Section 21-22.4, of the Revised Ordinances entitled “Water and Sewer” by deleting Section 21-22.4 subsections (a) through (c), in their entirety and inserting new subsections (a) through (e) to reflect changes in fees to individual units, condominium units, commercial and industrial construction within and outside the city of Leominster. (Legal Affairs - Petition #62-06)

NEW BUSINESS

1st Reading Ordinance – Amend Chapter 21 of the Revised Ordinances entitled “Water and Sewer” by deleting the Sewer User Rate Schedule in Section 21-22.3 in its entirety and inserting in its place a new section 21-22.3 reflecting new out of city sewer rates. (Legal Affairs – Petition #61-06)

TABLED COMMUNICATIONS UPON WHICH ACTION IS PROPOSED**CITY PROPERTY**

- C-45 (1999) Mazzarella, Mayor: Change the name of Jungle Road to Mulberry Lane to become effective January 1, 2001.
- C-144 (2002) Dean J. Mazzarella, Mayor: Request that the land at 48-52 Central Street as shown on Assessors Map 17, Parcels 28 & 29 be declared surplus.
- C-67 (2004) Dean J. Mazzarella, Mayor: Declare the property owned by the City of Leominster located on Jungle Road, Assessors Map 304, Lot 2, be declared surplus and made available for sale according to M.G.L. Chapter 30B, Section.

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TABLED PETITIONS UPON WHICH ACTION IS PROPOSED**LEGAL AFFAIRS**

- 30-06 Paul LeBlanc and Henry Lanza, on behalf of the License Commission: Accept MGL Chapter 138, Section 12, which allows cities and towns to permit common victualers (food) who sell wine & malt beverages under MGL Chapter 138, Section 12 to also sell Liqueurs and Cordials.
- 60-06 Susan M. Harding: Grant a Special Permit to use the existing building at 34 Mohawk Drive, to operate a wholesale auto sales facility in an Industrial zone and to allow for the storage of automobiles within a floodplain.
- 70-06 John Souza and Kate Griffin-Brooks, on behalf of the Leominster Planning Board: Amend Section 24.2.5 of the Leominster Zoning Ordinance entitled Mixed Use Development by 1.) adding after the first sentence in Section 24.2.5.1 "Wetlands, as determined by the Conservation Commission shall not be considered in the density calculations" 2.) adding a new Section 24.2.5.3 allowing a property included on a Master Plan for the purpose of Mixed Use to be only used once for density calculations and 3.) adding a new Section 24.2.5.4 stating any further amendments, changes or revisions on completed projects are governed by the Leominster Zoning Ordinance with notification to the Planning and Development Department.

CITY PROPERTY

- 111-05 Richard M. Marchand: Request the Mayor enter into negotiations and purchase the Carter High School Building due to the breach in the request for proposal and the lack of maintenance which has caused a serious public safety issue for the City of Leominster.

Lynn A. Bouchard
City Clerk
June 8, 2006